

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ANTHONY E. GILL

v.

NATHANIEL QUARTERMAN

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§

C.A. NO. C-01-044

**ORDER DENYING PETITIONER'S MOTION FOR TRANSCRIPTS**

This is a habeas petition filed by a state prisoner pursuant to 28 U.S.C.

§ 2254. Pending is petitioner's motion for a free copy of the trial transcript. (D.E. 58). Specifically, he requests transcripts from telephonic conferences conducted on September 27, 2001 and October 10, 2001. (D.E. 55).

The notes regarding the September 27, 2001 teleconference indicate the following:

Court discusses Deft's Motion for Summary Judgment.  
Court allows Ms. Mills to withdraw Motion for Summary Judgment. Deft given 10 days to file Amended Motion for Summary Judgment. Pltff excused from filing response to first Motion for Summary Judgment.  
(Motion to Withdraw Summary Judgment is to be filed.)  
Hearing concluded.

(D.E. 24). The notes regarding the October 10, 2001 teleconference indicate that "Discussion of Deft's Second Motion for Summary Judgment. Pltff has 45 days to respond." (D.E. 29).

Petitioner has been granted leave to proceed in forma pauperis on appeal.

(D.E. 14, 54). However, “[f]ees for transcripts furnished in ... proceedings to persons permitted to appeal in forma pauperis shall ... be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).” 28 U.S.C. § 753(f). The Fifth Circuit has explained that “[i]n order to succeed on a motion for production of transcripts at government expense, a party must also show why the transcripts are necessary for proper disposition of his appeal.” Norton v. Dimanzana, 122 F.3d 286, 293 (5th Cir. 1997) (citing Harvey v. Andrist, 754 F.2d 569, 571 (5th Cir. 1985)).

Petitioner was present for both teleconferences. Based on the notes, the hearings appear to have concerned matters related to deadlines and the filing of dispositive motions. He has provided no explanation as to why he needs transcripts from either hearing to appeal his case.

Accordingly, petitioner’s motion for a free copy of the trial transcript, (D.E. 58), is DENIED.

ORDERED this 8th day of February 2007.

  
BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE